

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SHAWN ALLEN, A73-193-465,

Petitioner,

v.

JOHN ASHCROFT, Attorney General of
the United States,

Respondent.

DECISION & ORDER

02-CV-6283P

On May 28, 2002, petitioner, *pro se*, filed the instant petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241. In such petition, petitioner challenges his continued administrative custody pending removal to his native country of Guyana, claiming that his removal is not likely to occur within the foreseeable future. (Docket # 1). The parties have consented to have a United States Magistrate Judge conduct all further proceedings in this case, including the entry of judgment, in accordance with 28 U.S.C. § 636(c). (Docket # 6).

Currently before this Court is respondent's request to dismiss the petition for a writ of habeas corpus. (Docket # 11). According to respondent, petitioner was removed to Guyana on December 9, 2002, pursuant to a final order of removal. (Docket # 11, Richards Aff. at ¶ 5). Because petitioner has not challenged his underlying order of removal, but merely challenged his detention pending such removal, and because petitioner has been removed from this country and is thus no longer detained, I find his petition moot.

Accordingly, petitioner's petition for a writ of habeas corpus (**Docket # 1**) is **DENIED**.

IT IS SO ORDERED.

s/Marian W. Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
June 20, 2005.